

Message Text

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ORIGIN L-03

INFO OCT-01 IO-13 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00
CIAE-00 DODE-00 PM-05 H-01 INR-10 NSAE-00 PA-01
SP-02 SS-15 AF-10 ARA-10 EA-10 EUR-12 NEA-10
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DRAFTED BY L:L/UNA:SBOND:L/M:GALEHNER:MAB
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FM SECSTATE WASHDC
TO USMISSION GENEVA IMMEDIATE
INFO USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 039416

E.O. 11652: GDS

TAGS: UN, PINS

SUBJECT:AD HOC COMMITTEE ON TAKING OF HOSTAGES
REF: GENEVA 2230

1 DEPARTMENT SEES POTENTIALLY SERIOUS PROBLEMS WITH
LANGUAGE PROPOSED IN PARA 3 OF REFTTEL:

(A) IN NO OTHER MULTILATERAL AGREEMENT HAS THE US OBLIGATED
ITSELF TO REQUEST EXTRADITION.

(B) THE OBLIGATION AS STATED IN THE PROPOSED TEXT WOULD
ALLOW FOR NO DISCRETION IN REQUESTING EXTRADITION, AS
COMPARED TO PRESENT ARTICLE 7, WHERE DISCRETION TO PRO-
SECUTE IS PERMITTED IN THAT AUTHORITIES ONLY HAVE AN
OBLIGATION TO SUBMIT THE CASE FOR PROSECUTION, BUT THE
DECISION OF WHETHER OR NOT TO PROSECUTE IS TAKEN "IN SAME
MANNER" AS IN CASE OF OTHER OFFENSES.

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(C) THERE ARE SOME CASES WHERE WE WOULD NOT WANT TO
REQUEST EXTRADITION, FOR EXAMPLE, IF US PROSECUTORS DID
NOT HAVE SUFFICIENT EVIDENCE FOR CONVICTION; WHERE THE
STRONGER EVIDENCE WAS IN THE STATE WHERE THE OFFENDER IS
LOCATED; OR WHERE EXTRADITION WOULD BE A FUTILE GESTURE,
I.E., WHERE A STATE IS BARRED FROM EXTRADITING ITS OWN
CITIZENS.

2. WE ASSUME THAT UNDER FORMULA IN REFTTEL, WHERE NO
REQUEST FOR EXTRADITION IS MADE, STATE HOLDING ALLEGED

OFFENDER WOULD STILL BE OBLIGED TO SUBMIT CASE FOR PROSECUTION. IN THAT SENSE PROPOSED TEXT IS BETTER THAN ORIGINAL DUTCH PROPOSAL. HOWEVER, WE BELIEVE THAT SOME OF PROBLEMS CITED ABOVE MUST BE RESOLVED BEFORE PROPOSED TEXT IS OFFERED, BY INSERTING LANGUAGE AT END OF PROPOSED TEXT SUCH AS "AND THE AUTHORITIES OF THE REQUESTING STATE BELIEVE THAT THEY HAVE SUFFICIENT EVIDENCE AND AUTHORITY UNDER ITS LAWS TO PROSECUTE THE ALLEGED OFFENDER" (THE TERM "AND AUTHORITY" IS NECESSARY TO COVER SUCH SITUATIONS AS WHERE THE STATUTE OF LIMITATIONS HAS EXPIRED). VANCE

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<< END OF DOCUMENT >>

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Draft Date: 14 feb 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
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Message ID: 51e021cf-c288-dd11-92da-001cc4696bcc
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Review Withdrawn Fields: n/a
SAS ID: 3471140
Secure: OPEN
Status: NATIVE
Subject: AD HOC COMMITTEE ON TAKING OF HOSTAGES
TAGS: UN, PINS
To: GENEVA INFO USUN N Y
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vdkgvkey: odb://SAS/SAS.dbo.SAS_Docs/51e021cf-c288-dd11-92da-001cc4696bcc
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